IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2319 OF 2004

Manubhai Paragji Vashi ..Petitioner.

Vs.

Union of India & Ors. ..Respondents.

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Mr. Abhay Pandey i/b M/s. M. P. Vashi & Associates for the Petitioner.
Mr. Suresh Kumar for respondent No.1.
Mr. Virag Tulzapurkar i/b Shaunak Satpute & Co. for respondent No.3.

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CORAM : DALVEER BHANDARI, C.J.&
DR.D.Y.CHANDRACHUD, J.

27th October, 2004.

P.C. :

The petitioner has filed this petition in which he has mentioned that the policy adopted by the bank in not granting the loan or credit facilities to lawyers' community is arbitrary. He further submits that the lawyers' community as a whole cannot be discriminated alleging that there is negative profile for lawyers' community. The petitioner also submitted that there is a Reserve Bank of India's circular giving instructions to banks not to grant loan and credit facilities to the lawyers.

2. This Court issued show cause notice and in pursuance to the show cause notice, Deputy General Manager in the Department of Banking Operations & Development of the Reserve Bank of India has filed an affidavit. It is categorically mentioned that the Reserve Bank of India has not issued any direction to banks advising them not to grant loans or credit facilities to advocates as alleged in the writ petition. It is further stated in the affidavit that on 9th December, 1997 a circular was issued in which banks were directed to be selective in issuing credit cards and proper appraisal should be made, taking into account the income, repaying capacity of the applicant and other relevant criteria before issuing credit cards. It is obvious that the petition has been filed without properly verifying the facts. In view of the affidavit filed by the Reserve Bank of India, we find no merit in the writ petition. The writ petition is accordingly rejected with costs.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.